

1 JAMES M. KOURY
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FILED

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U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 JAMES M. KOURY,) Bankruptcy Case No. 19-30088 (DM)
12)
12 Responding Party) Chapter 11
13)
13 In re:) RESPONSE TO REORGANIZED DEBTORS
14) TWENTY-SEVENTH SECURITIES CLAIMS
14 PG&E CORPORATION,) OMNIBUS OBJECTION (VOLUNTARY RELEASE
15) AND SECURITIES ADR NO LIABILITY CLAIMS)
15 - and -)
16)
16 PACIFIC GAS AND ELECTRIC COMPANY,)
17)
17 Debtors)

18
19 TO: (A) THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY
20 JUDGE; (B) THE OFFICE OF THE UNITED STATES TRUSTEE; (C) PG&E
21 CORPORATION and PACIFIC GAS AND ELECTRIC COMPANY and THEIR COUNSEL
22 OF RECORD:
23

24 I, James M. Koury ("Responding Party") herein responds and objects as follows to
25 *Reorganized Debtors Twenty-Seventh Securities Claims Omnibus Objection (Voluntary Release and*
26 *Securities ADR No Liability Claims)* [Docket 14091].
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RESPONSE TO REORGANIZED DEBTORS TWENTH-SEVENTH SECURITIES CLAIMS OMNIBUS
OBJECTION (VOLUNTARY RELEASE AND SECURITIES ADR NO LIABILITY CLAIMS)

1 I, James M. Koury, pursuant to section 1746 of Title 28 of the United States Code, hereby
2 declare under penalty of perjury that the following is true to the best of my knowledge, information,
3 and belief.
4

5 **GENERAL STATMENT**

6 Responding Party submitted a counteroffer to Debtors and Reorganized Debtors. Responding
7 Party attempted to submit the counteroffer through the ballot, as implemented in the Settlement Portal
8 provided to him. Responding Party did not understand how to use the Settlement Portal to submit his
9 counteroffer.
10

11 The Settlement Portal, as implemented in the March, 2022 timeframe, presented the
12 Responding Party the two options entitled "DECLINE: I DON'T WANT A CASH PAYMENT SENT
13 WITHIN 14 DAYS", and "ACCEPT AND SIGN. SEND ME A CHECK." Neither of these appeared
14 to Responding Party to provide a method to present a counteroffer. Responding Party reviewed the
15 Portal User Guide provided with the Settlement Portal, but that Portal User Guide did not contain any
16 information regarding how to use the Settlement Portal to present a counteroffer.
17

18 Therefore, Responding Party submitted the counteroffer shown at **Exhibit 1**, annexed hereto,
19 via USPS surface mail to "PG&E Securities Settlements", at the address matching the Dallas, TX
20 address of Alix Partners.
21

22 The Partner and Managing Director at AlixPartners stated in the paragraph numbered "7" of
23 "*Declaration of Robb McWilliams in support of Reorganized Debtors' Twenty-Seventh Securities*
24 *Claims Omnibus Objection (Voluntary Release and Securities ADR No Liability Claims)*" ("**Docket**
25 **14092**") that acceptable means of responding to the settlement offer included "through the Securities
26 Claims Settlement Portal, by email or by mail."
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1 From the time when Responding Party submitted the counteroffer by USPS surface mail until
2 the date when Debtors filed Docket 14091, Responding Party received reminders to respond to the
3 settlement offer, but did not receive any response to the counteroffer that he already submitted.

4 Responding Party believes that he received no response to his counteroffer because he did not
5 use the Settlement Portal to present his counteroffer. Responding Party further believes that he was
6 included in Exhibit 1 of Docket 14091 because his counteroffer was submitted by USPS surface mail
7 and not through the Settlement Portal.

8
9 On October 24, 2023, Responding Party received an electronic mail (“email”) from sender
10 “Santodomingo, Liz.” This email contained hyperlinks to the four most recent documents submitted to
11 the Bankruptcy Court concerning the Debtors bankruptcy. These were identified as Docket Numbers
12 14091 through 14094. Responding Party observed that his name was on the list of claimants contained
13 in Exhibit 1, *Voluntary Release And Securities ADR No Liability Claims*, of Docket 14091.

14
15 Responding Party sent an email reply to sender “Santodomingo, Liz” stating that he had sent a
16 counteroffer to Debtors via USPS surface mail addressed to “PG&E Securities Settlements” at the
17 Dallas, Texas address provided to him. Included in that reply was a “soft copy” of the document
18 “PG&E CounterOffer Letter 2022-03-09” that was submitted to “PG&E Securities Settlement” in
19 March, 2022.

20
21 Subsequently, Responding Party received a telephone call from Alix Securities, who identified
22 themselves as the organization who was processing the claims and who was providing the Settlement
23 Portal. During a subsequent telephone call in November, 2023, a representative from Alix Securities
24 talked Responding Party through the process programmed into the Settlement Portal to present his
25 counteroffer. Responding Party discovered that the process of presenting the counteroffer through the
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1 Settlement Portal consisted solely of the entry of the amount of the counteroffer without the ability to
2 present additional information to Debtors for their consideration.

3 Since the amount of the counteroffer was higher than the pre-selected amount programmed into
4 the Settlement Portal software for his claim, Responding Party received an immediate response from
5 the Settlement Portal software, which stated that PG&E rejected the counteroffer and simultaneously
6 presented a "Best and Final Offer." Responding Party believes that the additional information in his
7 counteroffer letter should have been made available to Debtors for their consideration in negotiations
8 between them and Responding Party.
9

10 Since Responding Party has submitted a counteroffer to Debtors and considers negotiations to
11 be ongoing, Responding Party asks that his claim not be expunged.
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14 Dated November 15, 2023

/s/ James M. Koury

James M. Koury

Responding Party

Exhibit 1

PG&E CounterOffer Ltr 2022-03-09

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RESPONSE TO REORGANIZED DEBTORS TWENTH-SEVENTH SECURITIES CLAIMS OMNIBUS
OBJECTION (VOLUNTARY RELEASE AND SECURITIES ADR NO LIABILITY CLAIMS)

PG&E Securities Settlements
2807 Allen Street #810
Dallas, TX 75204

Dear Sirs / Madams:

My name is James Koury

I am responding to the settlement offer for PG&E Securities Claim Number PGE-00098860. Would you please pass along my thanks to PG&E Corporation for their settlement offer.

In this correspondence I am submitting my counter-offer for this claim in the amount of one thousand dollars (\$1,000).

This amount represents a small fraction of the loss of dividends and other benefits that I have experienced since PG&E Corporation stopped paying dividends to their shareholders.

Additionally, my investment in the common stock of PG&E Corporation has declined in value. I attribute this decline in value to the negligence of the company. I point to the following incidents:

- The Pacific Gas and Electric pipeline rupture that occurred in San Bruno, California on September 9, 2010
- Wildfires that have been attributed to Pacific Gas and Electric Company's maintenance practices.

I ask that you submit my counter-offer to PG&E Corporation for their consideration.

Respectfully,

James Koury